IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

APPLICANTS: Rohit Sharma

APPLICATION NO.:   09/580,029

FILING DATE: May 26, 2000

TITLE: NETWORK PERFORMANCE MONITORING AND RESTORATION BASED ON TRANSMISSION CODE VIOLATIONS

EXAMINER: Unknown

GROUP ART UNIT: 2784

ATTY. DOCKET NO.:   21216-04993
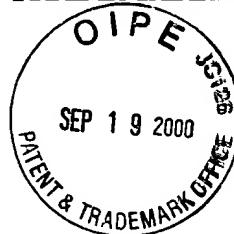
(OIPE stamp: SEP 1 9 2000 PATENT & TRADEMARK OFFICE)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date shown below:

Dated: September   14   , 2000   By: _____
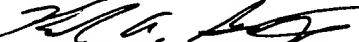
Kirk A. Gottlieb, Reg. No. 42,596

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

Responsive to the Formalities Letter dated July 31, 2000 for the above-identified patent application, enclosed are:

☑ payment in the amount of $65 for the surcharge;

☑ Fee Transmittal (in duplicate);

☑ a signed Verified Statement;

    ☐ Applicant respectfully submits that since this application was entitled to Small Entity Status when filed, as established with the enclosed original, signed Verified Statement, the fee for filing as a large entity as indicated in the Notice to File Missing Parts is inappropriate and that the filing fee submitted with this

application as originally filed is sufficient to cover the filing fees for this

application;

☑ an original, signed Declaration;

☑ a copy of the Formalities Letter;

☐ Other:

Respectfully submitted,

ROHIT SHARMA

Dated: September   **14** , 2000   By: _____
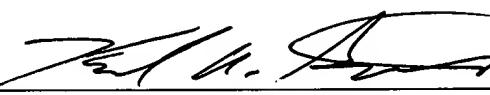
Kirk A. Gottlieb, Reg. No. 42,596
Fenwick & West LLP
275 Battery Street
San Francisco, CA 94111
Tel.: (415) 875-2414
Fax: (415) 281-1350

2

FORMALITIES LETTER

OC000000005282616

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/580,029	05/26/2000	Rohit Sharma	21216-04993

Kirk A Gottlieb
Fenwick & West LLP
2 Palo Alto Square
Palo Alto, CA 94306

OIPE
SEP 1 9 2000
PATENT & TRADEMARK OFFICE

RECEIVED

AUG 0 3 2000

FENWICK & WEST LLP

Date Mailed: 07/31/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- Small Entity Statement is unsigned.
- **The balance due by applicant is $ 130.**

A copy of this notice __MUST__ be returned with the reply.

_____
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/21/2000 BHABTEW 00000036 09580029

01 FC:205   65.00 OP
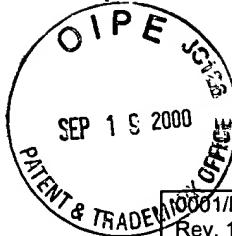
Sector 8

PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

10001/PTO Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Application Number	09/580,029
TRANSMITTAL FORM *(to be used for all correspondence during pendency of filed application)*		Filing Date	**May 26, 2000**
		First Named Inventor	**Rohit Sharma**
		Group Art Unit Number	**2784**
		Examiner Name	**Unknown**
Total Number of Pages in This Submission	11	Attorney Docket Number	**21216-04993**

ENCLOSURES *(check all that apply)*

- ☑ Fee Transmittal Form (in duplicate)
  - ☑ Check Enclosed
- ☑ Return Receipt Postcard
- ☑ Response to Notice to File Missing Parts
- ☑ Small Entity Statement
- ☑ Declaration
- ☐ Assignment & Recordation Cover Sheet
- ☐ Information Disclosure Statement & PTO-1449
  - ☐ Copies of IDS Cited References
- ☐ Request for Corrected Filing Receipt
- ☐ Request for Correction of Recorded Assignment
- ☐ Amendment/Response: [11] Page(s)
  - ☐ After Final
- ☐ Status Request
- ☐ Revocation and Power of Attorney

- ☐ Issue Fee Transmittal
- ☐ Letter to Chief Draftsperson
- ☐ Formal Drawing(s):
  [ ] Sheet(s) of Figure(s) [ ]
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Certified Copy of Priority Document(s)
- ☐ After Allowance Communication to Group
- ☑ Copy of Formalities Letter
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

REMARKS:

SIGNATURE OF ATTORNEY OR AGENT

Signature:	*(signature)*		
Attorney/Reg. No.:	**Kirk A. Gottlieb, Reg. No. 42,596**	Dated:	**September 14, 2000**

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:	*(signature)*		
Typed or Printed Name:	**Kirk A. Gottlieb**	Dated:	**September 14, 2000**
Express Mail Mailing Number *(optional)*:			

21216/04993/SF/5030728.1

0002/PTO(modified) Rev. 10/95	U.S. Department of Commerce Patent and Trademark Office	Complete if Known	
		Application Number	09/580,029
FEE TRANSMITTAL SEP 1 9 2000		Filing Date	**May 26, 2000**
		First Named Inventor	**Rohit Sharma**
		Group Art Unit	**2784**
TOTAL AMOUNT OF PAYMENT		Examiner Name	**Unknown**
Subtotal (1) + Subtotal (2) + Subtotal (3) = **($) 65.00**		Attorney Docket Number	**21216-04993**

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to:

[ ] Charge the indicated fees to the below mentioned deposit account.

[X] Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †

[ ] Charge the Issue Fee set in 37 CFR 1.18 at the Mailing of the Notice of Allowance, 37 CFR 1.311(b) to the below mentioned deposit account.

Deposit Account Number: 19-2555
Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. [X] Payment Enclosed:
[X] Check [ ] Other

FEE CALCULATION (fees effective 11/12/98)

1. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/$690	201/$345	Utility Filing	
106/$310	206/$155	Design Filing	
108/$690	208/$345	Reissue	
114/$150	214/$75	Provisional Filing	
		SUBTOTAL (1)	**($) 0**

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/$18	203/$9	Claims in excess of 20
102/$78	202/$39	Independent claims in excess of 3
104/$260	204/$130	Multiple dependent claim
109/$78	209/$39	Reissue independent claims over original patent
110/$18	210/$9	Reissue claims in excess of 20 and over original Patent

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/$130	205/$65	Surcharge - late filing fee or oath	65
127/$50	227/$25	Surcharge-late provisional filing fee or cover sheet	
147/$2,520	147/$2,520	For filing a request for reexamination	
115/$110	215/$55	Extension for response within first month†	
116/$380	216/$190	Extension for response within second month†	
117/$870	217/$435	Extension for response within third month†	
118/$1,360	218/$680	Extension for response within fourth month†	
128/$1,850	228/$925	Extension for response within fifth month†	
119/$300	219/$150	Notice of Appeal	
141/$1,210	241/$605	Petition to revive unintentionally abandoned application	
142/$1,210	242/$605	Utility Issue Fee (Or Reissue)	
143/$430	243/$215	Design Issue Fee	
122/$130	122/$130	Petitions to the Commissioner	
123/$50	123/$50	Petitions related to provisional applications	
126/$240	126/$240	Submission of Information Disclosure Statement	
581/$40	581/$40	Recording each patent assignment per property (times number of properties)	
146/$690	246/$345	Filing a submission after final rejection (37 CFR 1.129(a))	
149/$690	249/$345	For each additional invention to be examined (37 CFR 1.129(b))	
		Other fee (specify):	
		Other fee (specify):	
		SUBTOTAL (3)	**($) 65.00**

For	No. of Existing Claims		Highest No. Previously Paid For		Extra**	Fee	Fee Due
TOTAL		minus*	20	or =		x	=
INDEP		minus*	3	or =		x	=
[ ] First presentation of multiple dependent claim						=	

* Subtract the greater number of Col. 2
** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) ($) 0

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	**Kirk A. Gottlieb**	Reg. Number	**42,596**
Signature		Date	**September 14, 2000**

† Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

Rev. 11/04/99
21216/04993/SF/5030723.1